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Southern District
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February 25, 2025

Via ECF and Email

Honorable Mary Kay Vyskocil
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

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| DOC #: |
| DATE FILED: <u>3/4/2025</u> |

Re: United States v. Nicole Torres, 24 Cr. 499 (MKV)

Dear Judge Vyskocil:

I write, on behalf of Ms. Torres, to renew the request, previously filed on January 13, 2024 (ECF No. 25), to modify of Ms. Torres' conditions of pretrial release to permit her to use medical marijuana as recommended by her medical provider and pursuant to a Certification by the New York State Office of Cannabis Management.

On January 28, 2025, the Court denied the application for modification without prejudice to renewal, because Ms. Torres did not provide the Court with evidence that her medical provider had approved of her use of medical marijuana. See ECF No. 26.

In support of this renewed request, I submit as Exhibit A the attached Certification from Ms. Torres' medical provider and respectfully request that the Court grant the renewed application.

Respectfully Submitted,

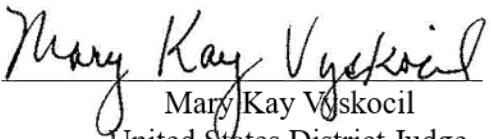
/s/ Amy Gallicchio

Amy Gallicchio, Esq.
Federal Defenders of New York
Tel: 917-612-3274

Cc: AUSA Rebecca Dell
AUSA Benjamin Burkett

Defendant's request is HEREBY GRANTED. The Court hereby directs this Court's Pretrial Services Department not to find a violation of Defendant's release conditions based solely on New York state-approved medical marijuana use or a drug-testing result consistent with New York state-approved medical marijuana usage, provided that, upon request of the Pretrial Services Officer: (1) the Defendant provides a copy of each medical marijuana prescription issued to her by an authorized medical professional in accordance with New York state law and (2) the Defendant demonstrates that any marijuana consumed was obtained through New York state-authorized channels (by providing copies of dated purchase receipts and permitting inspection of the packaging upon request). *See United States v. Arizaga*, No. 16-CR-89-LTS, 2016 WL 7974826, at *3 (S.D.N.Y. Dec. 22, 2016).

Date: 3/4/2025
New York, New York


Mary Kay Viskocil
Mary Kay Viskocil
United States District Judge